

AMENDED IN ASSEMBLY JUNE 24, 2004

AMENDED IN SENATE MAY 12, 2004

AMENDED IN SENATE AUGUST 21, 2003

AMENDED IN SENATE APRIL 22, 2003

Senate Constitutional Amendment

No. 8

Introduced by Senator Vasconcellos

(Principal coauthors: Senators Johnson and McPherson)

(Coauthor: Senator Speier)

(Coauthors: Assembly Members Bermudez, Leno, and Montanez)

February 20, 2003

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 15.5 to Article 1 thereof, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SCA 8, as amended, Vasconcellos. Prisoners: rehabilitation.

Existing law requires the Director of Corrections to cause each person newly committed to state prison to be examined and studied, as specified, in order to, among other things, aid in the person's rehabilitation.

This measure would require the director to cause each person who becomes subject to the jurisdiction of the Department of Corrections on or after January 1, ~~2005~~ 2006, with the exception of inmates serving a sentence of imprisonment for life without the possibility of parole *or who are sentenced to death, within 90 days of entry*, to be evaluated, as specified, with respect to his or her educational and vocational level of

development and capacity and with respect to his or her psychosocial level of development and ability to lead a constructive life. Based on these evaluations, the measure would require that a program be prescribed and implemented for the inmate that addresses his or her deficient levels of educational, vocational, and psychosocial development, as specified, so as to better equip him or her to lead a constructive life upon release from prison.

~~The measure would also require the Director of Corrections to make a parenting education course available to every inmate incarcerated in the state corrections system who is serving a sentence for a crime involving his or her child or a child formerly under his or her care. This measure would require the parenting course to be susceptible of completion within the sentence of the inmate, as specified, and would prohibit a reduction in the sentence for an inmate who failed to complete an available parenting course. The measure would require the Department of the Youth Authority to make a parenting course available to wards confined by that department under similar conditions and criteria.~~

This measure would provide that the sole remedy available to an inmate ~~or ward~~ who is eligible for, but does not receive, the assessment, rehabilitation program, or education course described in these provisions is a writ of mandate to compel the department or the director to provide that assessment, rehabilitation program, or education course.

This measure would further provide, commencing in the ~~2005–06~~ 2006–07 fiscal year, for the application of these provisions, subject to the availability of funding and other specified conditions, to other inmates incarcerated in the state corrections system.

The measure would provide that it would become operative on January 1, ~~2005~~ 2006.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

- 1 WHEREAS, California law states that “the Legislature finds
- 2 and declares that the purpose of imprisonment for crime is
- 3 punishment”; and
- 4 WHEREAS, The purpose of our entire system of law
- 5 enforcement and corrections ought to also be to promote the public
- 6 safety of all Californians. In fact, further research shows virtually
- 7 all police officers killed in the line of duty by another person were
- 8 killed by an ex-felon; *and*



WHEREAS, The manner in which our current system of corrections is operating is counterproductive to the goal of promoting the public safety of all Californians. The Little Hoover Commission, a government watchdog agency on efficiency says “California’s parole system is a billion dollar failure. Forty-eight other states do a better job of getting parolees from the prison rolls to the tax rolls. In general, they rely more on education, job training, and drug treatments to keep parolees from coming back to prison...; *prison...*”; and

WHEREAS, California’s rate of recidivism is extraordinarily high, ~~more than one in every two inmates paroled returns to prison~~ when compared to those of other comparable industrial states and other western nations, *and more than one in every two inmates paroled returns to prison*; and

WHEREAS, We owe it to the people of the State of California and their safety to far better attend systematically to the constructive rehabilitation of each of our prison inmates prior to his or her release from prison so as to better enable each of these inmates, upon emerging from prison into our midst, to live constructively and to not further endanger public safety; and

WHEREAS, The experience of other states (notably Maryland, Minnesota, and Ohio) demonstrates that the type of program proposed in this measure reduces recidivism by nearly 23 percent and that investment in this type of program pays off and saves taxpayer dollars ~~by~~ *at the rate of* two dollars (\$2) in prison costs for every one dollar (\$1) invested; and

WHEREAS, By enacting this measure the Legislature intends to profoundly transform our corrections system to enable it to live up to its name, and to advance and ensure the public safety of all Californians by attending to the cure and development of inmates in ways that hold the most promise for enabling each of them to cure, or at least curb, his or her dangerous ways before his or her release from prison back into our midst ~~such~~ *so* that each of them thereafter poses no further threat to our public safety; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 2003–04 Regular Session commencing on the second day of December 2002, two-thirds of the membership of each house concurring, hereby

1 proposes to the people of the State of California that the
2 Constitution of the State be amended as follows:

3 First—That Section 15.5 is added to Article I thereof, to read:

4 SEC. 15.5. (a) For each inmate who becomes subject to the
5 jurisdiction of the Department of Corrections on or after January
6 1, 2005 2006, with the exception of inmates who are serving a
7 sentence of imprisonment for life without the possibility of parole
8 *or who are sentenced to death*, all of the following apply:

9 (1) The Director of Corrections shall cause ~~both~~ of the
10 following to occur:

11 (A) ~~Within~~ *For those inmates whose terms are not more than*
12 *three years, within* 90 days of entry, the inmate shall be evaluated
13 in an open, public, and comprehensive way with respect to his or
14 her educational and vocational level of development and capacity:

15 ~~(B) Within 90 days of entry, the inmate shall be evaluated, and~~
16 *comprehensively evaluated* with respect to his or her psychosocial
17 level of development and ability to lead a constructive life.

18 (B) *For those inmates whose terms are more than three years,*
19 *but not more than six years, the evaluations shall occur within six*
20 *months of entry.*

21 (C) *For all other inmates, excepting those who are serving a*
22 *sentence of imprisonment for life without the possibility of parole*
23 *or who are sentenced to death, the evaluations shall occur within*
24 *one year of entry.*

25 (2) Based on the evaluations conducted pursuant to paragraph
26 (1), the Department of Corrections shall prescribe and implement
27 for each inmate a smart, comprehensive rehabilitation program
28 that addresses his or her deficient levels of educational, vocational,
29 and psychosocial development, so as to better equip him or her to
30 lead a constructive, safe life upon his or her release from prison
31 into our midst, as follows:

32 (A) The educational program shall be provided, as needed and
33 insofar as the length of sentence allows, to enable each inmate to
34 qualify to pass the California high school equivalency certificate
35 test and to obtain a California high school equivalency certificate,
36 or high school equivalent, while the inmate is incarcerated, if the
37 inmate has not yet advanced to that educational level.

38 (B) The psychosocial program shall be provided as needed to
39 enable each inmate to measure up to a standard of normalcy and
40 capacity to behave constructively and to lead a self-sufficient life,



1 according to a set of standard capacities as determined by an
2 advisory team of mental health experts appointed by the Director
3 of Corrections.

4 (C) The vocational capacity program shall be provided as
5 needed to equip each inmate to measure up to set vocational
6 standards, according to a standard skills level determined by an
7 advisory team appointed by the Director of Corrections, consisting
8 of persons knowledgeable in the arenas of employment and
9 vocational education.

10 (3) It is the intent of the people of the State of California that
11 this program be sufficiently funded and fully implemented so that
12 each inmate is enabled to prepare himself or herself to reenter our
13 community and live constructively and safely.

14 (4) It is the intent of the people of the State of California that
15 this program be annually monitored and assessed by the office of
16 the Inspector General, which shall annually report to the
17 Legislature and Governor with respect to the following:

18 (A) How well the program is being operated to live up to its
19 purpose, goals, and mandates.

20 (B) How the program could and should be improved.

21 (C) Whether the program is proving successful in reducing
22 recidivism and improving the public safety of Californians.

23 ~~(5) The Director of Corrections shall make a parenting~~
24 ~~education course available to every inmate incarcerated in the state~~
25 ~~corrections system who is serving a sentence for a crime involving~~
26 ~~his or her child or a child formerly under his or her care. The~~
27 ~~parenting education course shall be designed to be susceptible of~~
28 ~~completion within the sentences of these inmates, as adjusted for~~
29 ~~eligible work, behavior, or other reduction. However, no~~
30 ~~otherwise applicable reduction may be applied to the sentence of~~
31 ~~any of these inmates who fails to complete this parenting~~
32 ~~education, if the education is provided as required by this~~
33 ~~subdivision.~~

34 *(5) The Legislature may by statute provide for a waiver of the*
35 *evaluation requirements under paragraph (1) as to parolees who*
36 *are returned to prison.*

37 (6) An inmate who is eligible for, but does not receive, the
38 ~~assessment, rehabilitation program, or education course~~
39 ~~evaluation or rehabilitation program~~ described in these provisions
40 may file a petition for a writ of mandate to compel the department

1 to provide that ~~assessment, program, or course~~ *evaluation or*
2 *program*. This remedy is the sole remedy for a failure to provide
3 the assessment and program.

4 (b) Commencing in the ~~2005-06~~ 2006-07 fiscal year, to the
5 extent that funds are appropriated for this purpose, with priority
6 given to each inmate based upon the imminence of his or her
7 release, subdivision (a) also applies to all other inmates subject to
8 the jurisdiction of the Department of Corrections, with the
9 exception of inmates who are serving a sentence of imprisonment
10 for life without the possibility of parole *or who are sentenced to*
11 *death*. The department shall accord highest priority, in expending
12 funds made available for this purpose, to those inmates who are
13 nearest to release from custody.

14 (c) Once sufficient funds have been made available to apply
15 subdivision (a) to all inmates described in subdivisions (a) and (b),
16 upon a statutory finding and declaration by the Legislature that the
17 application of subdivision (a) to inmates who are serving a
18 sentence of imprisonment for life without the possibility of parole,
19 *or who are sentenced to death*, would contribute to the safety of
20 individuals who are operating and residing in the state prison,
21 subdivision (a) shall also apply to these inmates to the extent that
22 funds are appropriated for this purpose.

23 ~~(d) (1) The Director of the Department of the Youth Authority~~
24 ~~shall make a parenting education course available to every ward~~
25 ~~confined by the department who is confined for an offense~~
26 ~~involving his or her child or a child formerly under his or her care.~~
27 ~~This parenting education course shall be designed to be susceptible~~
28 ~~of completion within the terms of confinement of these wards, as~~
29 ~~adjusted for eligible work, behavior, or other reduction. However,~~
30 ~~no otherwise applicable reduction may be applied to the term of~~
31 ~~confinement of any of these wards who fails to complete this~~
32 ~~parenting education, if the education is provided as required by~~
33 ~~this subdivision.~~

34 ~~(2) A ward who is eligible for, but does not receive, the~~
35 ~~education course described in this section may file a petition for~~
36 ~~a writ of mandate to compel the director to provide that education~~
37 ~~course. This remedy is the sole remedy for a failure to provide the~~
38 ~~education course.~~

1 Second—That Section 15.5 of Article I shall become operative
2 on January 1, ~~2005~~ 2006.

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